

REMARKS:

Election of species is unnecessary under 37 CFR 1.141(a):

Applicant requests the examiner to reinstate claims 3 and 5 for the following reasons:

5 According to 37 CFR 1.141(a) if the application includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form or otherwise include all the limitations of the generic claim, then multiple species in one application is allowed. Applicant has amended generic Claim 1, and added depended claims 13 and 14 to account for the difference between the
10 reciprocating rod 15 and reciprocating rod 14. Furthermore the different shapes of the impact head should be allowed because they are simply different embodiments of the independent impact head element and each embodiment are within the limitations of the impact head element claimed in the generic Claim 1.

 The impact heads no matter its outer shape attaches the same why to a
15 reciprocating rod. The novelty of the invention is the ability for the central bore, and the reciprocal rod to fit inside the impact head to afford stability during lateral movements while maintaining the flexibility needed in the chiropractic procedure. The interchangeability of different shaped impact heads in combination with the inserted central bore, and the reciprocal rod adds to the versatility of the invention. As the
20 specification teaches, the shape of the head depends on the treatment required.

Compliance of drawings to 37 CFR 1.84(p)(5):

Applicant has amended the specification and removed the reference numbers 34, 36, and 38. These references were not essential to the description of the invention.

5 Compliance of the Abstract to MPEP §608.01(b):

Applicant has amended the Abstract in accordance to MPEP §608.01(b).

Proper antecedent basis for the claimed subject:

10 In accordance to 37 CFR 1.75(d)(1), applicant has amended the specification to support claims 6, 7, 9, and 10. Please refer to page 3 of this document for the amended changes.

Claim Rejections under 35 USC §102: Rejection of claim 1-2 under Huang.

15 Claim 1 has been amended to include the central insert element of claim 2 and the reciprocating rod element of claim 11. Applicant request reconsideration of this rejection for the following reasons:

1. Omission of elements: the present invention is simpler, and easier to use than Huang. The impact head of present invention is not threaded like that of Huang.
2. Novel element: The use of the reciprocating rod to provide additional stability of
20 the impact head is not anticipated by Huang.

3. Non-obviousness: Despite Huang, the application of the central insert and the use of the reciprocating rod were non obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

5 **Omission of elements:**

Huang teaches of a much more complicated device than that of the present invention. In Huang (see Fig. 4) the invention requires the removal of 16 screws to access the threaded central insert and impact head. The impact head in Huang is made of two pieces (68 and 72) and is further restricted by a plastic housing (20). In Huang, the central
10 bore of the impact head is threaded, meaning it must be unscrewed to be removed.

The present invention unlike Huang requires little effort to remove the impact head and the central insert. Therefore both elements can be replaced or exchanged with ease. The impact head of the present invention is not threaded, and can be pulled off the reciprocal rod or the central insert with ease. The central insert in the present invention
15 unlike that of Huang, can be attached with no tools and can be done within seconds.

Novel Elements:

Claim 1 has been amended to include the reciprocating rod element that provides even more lateral support once it is inserted into the annular slot of the impact head. In
20 Huang, The impact head is only supported by one screw (56), and may not withstand rigorous lateral movements. The present invention improves upon Huang by allowing the impact head to be easily exchanged. The present invention allows the central insert to

unit the impact head and the reciprocating rod without the use of any tools such as a screwdriver. The present invention provides more lateral support of the impact head by allowing the reciprocating head to be inserted into the annular slot of the impact head and once again without the need of any additional tools.

5

Non-Obviousness:

Despite the fact that Huang and the present invention both pertain to percussive devices, the actual application of the two inventions are very dissimilar. The present invention applies predominantly to chiropractic therapy procedures performed by chiropractors onto a third person. Huang however is a personal massaging device used by individuals to apply therapy upon themselves. The uses of the two devices are distinctly different. The present invention requires the quick and easy replacement of the impact head so that a chiropractor can perform his task efficiently. The present device requires more stability because the contact end of the impact head needs to be applied in a multitude of angles, thus requiring more lateral stability. Therefore, Huang's personal massager which does not even attempt to solve the same problems of the present invention should not be used as prior art for any USC §103 arguments.

10
15

Claim Rejections under 35 USC §102: Rejection of claim 4 and 7-8 under Huang.

20

In light of the amendments to independent Claim 1, application requests that the examiner allow claims 4, 7, and 8, whom are dependent on Claim 1.

The roundness and plastic composition of the impact head in combination with the central insert and the reciprocating rod is distinguishable from Huang. Huang's impact head includes a threaded central bore, and lacks the use of the reciprocating rod as support during lateral movement of the impact head.

5 As for the threaded nature of the central insert, applicant argues that the central insert in Huang were attached and not easily removed or exchanged. Different impact heads may require different central inserts. In Huang, to change the central insert, the whole device must be disassembled (see Fig. 4).

10 **Claim Rejections of claims 6, 9, and 10 under 35 USC §103**

Applicant reiterates that the amended independent claim 1 should not be anticipated by Huang and therefore the claims dependent to claim 1 should not be rejected in light of Huang. Application requests that the rejection of all three claims be reconsidered. Applicant also makes the following arguments:

15 **Rejection of claim 6:** Examiner rejects claim 6 under Huang in view of Isaacson.

In Isaacson, the invention states that only the tip of the stimulator should be made of the softer silicon latex (column 5, lines 34-37) and not the whole impact head. The present invention improves significantly over Isaacson by allowing the entire impact head to be made of softer silicon plastic, and then by adding the central insert and the
20 reciprocating rod, provide the needed stability not obtained in both Isaacson and Huang. If one attempted to combine Huang and Isaacson by making the entire impact head of

Huang with softer silicon latex, the device may not work properly because the softer material would not withstand lateral movement with only one small screw supporting it.

The use of the silicon latex for the entire impact head in the present invention also contributes to the ease of removing the impact head when needed. The extra flexibility
5 means the impact head does not need to be screwed on, but can simply be compressed between the central insert and the reciprocating rod. When removal is needed, one needs simply pull off the impact head. Neither Isaacson, nor Huang taught this added benefit, and no evidence was given as to why this would be obvious in light of both prior arts.

Therefore, Applicant argues that the use of silicon latex for the entire impact head
10 was non-obvious to a person having ordinary skill in the art to which said subject matter pertains and the two prior arts cited would not logically be combined.

Rejection of claim 9 and 10: Examiner rejects claims 9 and 10 under Huang in view of Orgeron.

Although Orgeron teaches of a massaging device and the use of a screw to attach
15 a plastic handle to the vibrating plastic helmet, the screw in Orgeron is far removed from the central insert described in the present invention. The screw 62 in Orgeron is also far removed from the screw used in Huang. Also applicant was unable to find any remarks in Orgeron that showed the screw (62) was indeed made of plastic or like material.

Therefore, applicant request that claim 9 and 10 be allowed.

20

CONCLUSION:

For all the above reasons, applicants submit that the specification, abstract, drawings, and claims are now in proper form and that the claims all define patentable over the prior art.

Therefore applicant submits that this application is now in condition for allowance, which

5 action applicant respectfully solicits.

10

15

Respectfully submitted,



20

Carl D. Crowell
Registration No. 43,568
P.O. Box 923
Salem, OR 97308
Tel: 503-581-1240
Fax: 503-585-0368

1/24/08
Date

Title:
Impact Head Assembly for
Percussive Therapeutic Device

20

Attorney: Carl D. Crowell, No. 43,568